

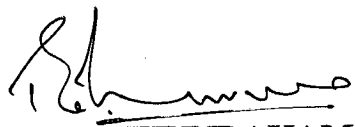
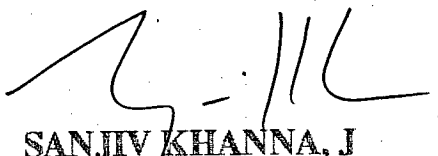
Sr. No.	Date	Orders
		* IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 12481/2005 R.P.NATH Petitioner Through Mr. T.N. Bhatt, Advocate versus UOI & ORS. Respondents Through Mr. A.K. Bhardwaj, Advocate CORAM: HON'BLE JUSTICE DR. MUKUNDAKAM SHARMA HON'BLE MR. JUSTICE SANJIV KHANNA <u>ORDER</u> 01.08.2005 This petition is directed against the orders dated 6.4.2004 and 28.6.2004 passed by the learned Tribunal in OA No.2709/2002 whereby the learned Tribunal rejected the Original Application and the review application filed by the petitioner. This petition is filed after almost one year after the date of passing of the impugned orders. No explanation has been given in the writ petition for the delay in filing this writ petition. Counsel for the

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		petitioner submits that period of one year is a reasonable period for filing of a writ petition as against the order of the learned Tribunal. In our considered opinion without proper explanation of delay, such delay cannot be accepted as reasonable. Be that as it may, we are not dismissing the writ petition on the ground of delay and laches on the part of the petitioner. We have examined the case on merits. The petitioner was promoted to the post of Superintendent by order dated 7th July, 1995. A plea was taken by the petitioner before the learned Tribunal that the petitioner did not receive the said order of promotion dated 7th July, 1995 till October, 1995. The learned Tribunal disbelieved the aforesaid plea taken by the petitioner on the ground that the petitioner had himself made a representation on 25th August, 1995 to the respondent for change in place of posting on promotion. In this connection, it may also be stated that in the Original Application the petitioner had concealed the fact that he had submitted a representation for change in place of posting on promotion. <i>W.P.(C) 12481/2005</i>

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		It is, however, now admitted on behalf of the petitioner that such a representation on 25th August, 1995 seeking for change in place of posting on promotion was made. In these circumstances, the natural presumption is that the petitioner had knowledge of his order of promotion and aggrieved by the place of posting, he sought change in the place of posting on his promotion. It cannot be said that such representation could be filed by the petitioner without knowledge of his order of promotion. The reasons given by the learned Tribunal in rejecting the aforesaid plea of the petitioner that the petitioner had no knowledge about order of promotion suffer from no infirmity. We find no merit in the writ petition. The same is dismissed.  DR. MUKUNDAKAM SHARMA, J  SANJIV KHANNA, J AUGUST 01, 2005 nm W.P.(C) 12481/2005 Review application filed. Prabh C. M 2785/11 for delay 11 2786/11 for exemption 2787/11 for delay in refiling page 3 of 3